



PUBLIC PARTICIPATION PLAN
Former UNOCAL Seattle Bulk Marketing Terminal Property Cleanup
Seattle, Washington

October 1999

Washington State Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008-5452

TABLE OF CONTENTS

1.0 Introduction and Overview of Public Participation Plan

- 1.1 Public Participation at Hazardous Waste Sites
- 1.2 Goal of the Public Participation Plan
- 1.3 Participants in this Plan

2.0 Site Background

- 2.1 Location and Description
- 2.2 History
- 2.3 Activities and Timeline
- 2.4 Proposed Cleanup Action Plan

3.0 Community Background

- 3.1 Community Profile
- 3.2 Community Concerns

4.0 Public Participation Activities and Responsibilities

- 4.1 Public Involvement Tools
 - Formal Public Comment Period*
 - Public Meetings or Hearings*
 - Responsiveness Summaries*
 - Information Repositories*
 - Site Register*
 - Mailing List*
 - Fact Sheets*
 - Display Ads*
- 4.2 Plan Updates
- 4.3 Public Points of Contact

1.0 INTRODUCTION AND OVERVIEW OF PUBLIC PARTICIPATION PLAN

1.1 Public Participation at Hazardous Waste Sites

The Washington State Department of Ecology (Ecology) is committed to providing public participation opportunities during the investigation and cleanup of hazardous waste sites. The Public Participation Plan is intended to promote understanding of Ecology's responsibilities, planning activities, and remedial activities at hazardous waste sites under the Washington State Model Toxics Control Act (MTCA) (Chapter 173-340-WAC), the regulations that guide site cleanup. It also provides an opportunity for Ecology to learn, from the public, information that will enable Ecology to develop a comprehensive cleanup plan that is protective of both human health and the environment.

This Plan outlines the public involvement activities for the Cleanup Action Plan at the former Unocal Seattle Bulk Marketing Terminal in Seattle, Washington. A Cleanup Action Plan is a detailed outline of the work to be performed during the actual cleanup of the site.

The activities laid out in this plan are aimed at involving the affected community in the cleanup process in a meaningful way and at facilitating open communication between the community, the agencies involved and the potentially liable persons.

While certain aspects of a Public Participation Plan are prescribed by regulation, this Plan has been tailored to the needs of the public based on the stage and nature of the cleanup, the level of public concern, and the risks posed by the site.

1.2 Goal of the Public Participation Plan

The goals of this plan are to promote public understanding of the regulations and process for cleanup of this site, and to encourage the public's involvement in achieving cleanup solutions acceptable to all stakeholders. The actions in this plan will provide a way for the public to comment and assist in the cleanup process at the former Unocal Seattle Bulk Marketing Terminal site.

The primary objectives of this plan include:

- ◆ Providing information and promote public understanding of the cleanup of this site.
- ◆ Inviting and encouraging interaction and collaboration among representatives of the community, Ecology and the Seattle Art Museum (SAM), and other parties as identified, to ensure the cleanup of the site proceeds smoothly and efficiently.
- ◆ Soliciting and responding to community concerns, questions, and comments.
- ◆ Fulfilling regulatory requirements of MTCA.

1.3 Participants in this Plan

Ecology and the Seattle Art Museum, the major participants in this plan, have negotiated a draft Prospective Purchaser Consent Decree (Decree). This legal agreement settles any liability, with some exceptions, SAM would have for environmental cleanup at the former Unocal site when

SAM purchases the property from Unocal this year. The Decree requires SAM to contribute substantial new resources to facilitate and expedite the cleanup of this site in accordance with the Cleanup Action Plan. SAM proposes to redevelop the site as an outdoor sculpture park. This plan was prepared by Ecology's Toxics Cleanup Program and was subject to review by SAM. Ecology will oversee the cleanup and is responsible for public participation.

2.0 SITE BACKGROUND

2.1 Location and Description

Unocal's former Seattle Marketing Terminal is an approximately 7.5 acre site located within the city of Seattle's Belltown neighborhood. It consists of 3 parcels; 2 parcels (commonly referred to as the Upper and Lower Yards) located between Western Avenue and Alaskan Way, south of Bay Street and north of Broad Street. The parcels are divided from one another by Elliott Avenue. The third parcel, referred to as the Off-Site area, is located adjacent to Myrtle Edwards Park on the north and Elliott Bay on the west and includes Alaskan Way and Burlington Northern Santa Fe (BNSF) right-of-way. The site is surrounded by both commercial and residential properties, and tourist facilities associated with the downtown waterfront. (See Appendix A for map of the site.)

The site was used by Unocal for fuel transfer and distribution from the early 1900s to 1975. The former terminal facility contained numerous above-ground product storage tanks, one underground heating oil tank, above- and below-ground product pipelines, and other related facilities. The site is currently unpaved, with the exception of the southeastern portion of the Upper Yard, which is leased to a private parking company. The Offsite Area has no remaining infrastructure; there is currently a parking lot adjacent to the BNSF right-of-way. Portions of the Upper Yard are also heavily vegetated, particularly on the steeper slopes adjacent to Western Avenue.

2.2 History

Unocal has conducted numerous environmental investigations since operations of the fuel transfer facility were closed in 1975. In 1988, Unocal entered into an Order on Consent (Order) with Ecology to remediate petroleum-related contamination at the site. Elevated concentrations of petroleum hydrocarbons were encountered in soil and groundwater within four compliance areas as identified under the Order, including the Upper Yard, Lower Yard, Elliott Avenue and Offsite Area (consisting of Alaskan Way and the railroad right-of-way).

Over 115,000 tons of petroleum-containing soils were excavated from the Upper and Lower Yards. In addition to excavating contaminated soil, a large volume of petroleum-containing groundwater was removed from the excavations, treated, and discharged to the sanitary sewer. Following excavation, soil samples collected by Unocal generally confirmed that concentrations of petroleum hydrocarbons remaining in the Upper Yard soils do not exceed the stringent cleanup target of 200 mg/kg. Ecology established a less stringent remedial action level of 7500 mg/kg for the Lower Yard. Ecology required Unocal to remove soils that exceed the petroleum remedial action level and institute appropriate institutional controls, such as installation of a cap (cover).

Petroleum contamination was observed in soil and groundwater beneath Elliott Avenue, particularly in the northern portion of the street. Because it was not practical to shut down Elliott Avenue, an *in situ* interim remediation system was installed in 1989 to treat petroleum-containing soil and groundwater. A similar system was installed in the Off-Site Area. Since 1989, approximately 76 million gallons of water have been recovered and treated beneath the Off-Site area, from which 4600 gallons of petroleum product have been recovered. The ratio of petroleum product recovered to total water treated has decreased significantly over the last 7 years.

2.3 Current and Future Activities

In February of 1999, the Trust for Public Land and the Seattle Art Museum negotiated an agreement to purchase the former Marketing Terminal for use as a future sculpture park. Under their envisioned plan, the Upper and Lower Yards and a portion of the Off-Site Area would be redeveloped as permanent parkland and open space. A small exhibition building would be developed in conjunction with the park, and would also contain visitor services and educational facilities. In cooperation with the City of Seattle, the park would be redesigned under a master plan that also would address improvements to Myrtle Edwards Park and the Alaskan Way right-of-way.

Following the signing of a Purchase and Sale Agreement with Unocal, the Seattle Art Museum requested that the Ecology enter into negotiations for a Prospective Purchaser Consent Decree (Decree) with Ecology to define the Museum's remedial action obligations as the potential future owner of the site. The SAM Board of Trustees determined that a Decree was needed before it would commit privately raised funds to this project.

2.4 The Proposed Cleanup Action Plan

As part of the Decree, the Cleanup Action Plan describes the remedial actions that will be undertaken by SAM as the site is developed. The following actions are proposed as part of the cleanup and redevelopment in order to eliminate direct contact and vapor exposure to hazardous substances at, or from, the site, enhance ongoing groundwater cleanup activities, and protect human health and the environment:

- ◆ Cap (cover) the Lower Yard and the northwestern portion of the Upper Yard with clean, low permeability material.
- ◆ Maintain existing pavement cap in Off-Site Area or replace with low permeability cap.
- ◆ Conduct long term monitoring of the surrounding, or "ambient" air for petroleum vapors.
- ◆ Install a vapor extraction system to be activated if the ambient air monitoring reflects petroleum vapor emissions above cleanup levels.
- ◆ Perform soil vapor monitoring in proposed permanent building locations to determine if vapor control systems are needed to protect indoor air quality.
- ◆ File deed restrictions.

Although not part of the Decree, under its Order on Consent with Ecology, Unocal will continue to remove the floating petroleum by hand bailing from monitoring wells in the area of Elliott Avenue, select a final cleanup action plan in the Offsite area, while continuing to operate the

current groundwater collection and treatment system, and perform long term groundwater monitoring until Ecology determines that these activities are no longer required.

3.0 COMMUNITY BACKGROUND

3.1 Community Profile

The Unocal property is located on the City of Seattle's downtown waterfront in the Belltown neighborhood. In the last 5 years, this area has become one of the Seattle's fastest growing residential neighborhoods and has one of the lowest ratios of park area to population within Seattle. This growth has mainly taken place in the form of upper end condominium and apartment building development. It has also become a popular area for the location of new and growing hi-tech and biotech firms. Pier 70 and the World Trade Center, both located in this area, will become the headquarters for two of the region's fastest growing Internet companies.

The downtown waterfront has for a long time been the center of Seattle's tourism industry, anchored by the Seattle Aquarium, a number of shops and restaurants, the Washington State ferry terminal and other public facilities. This tourist activity is expected to increase dramatically with the arrival of cruise ships in the summer of 2000. Myrtle Edwards Park, the downtown waterfront's northernmost landmark is extremely popular with downtown residents, office workers, and visitors to Seattle. Views of Puget Sound and the Olympic Mountains, as well as those of the Seattle skyline have made it one of the best possible public areas for experiencing Seattle's unique physical location.

3.2 Community Concerns

The Unocal property is surrounded by mixed-use development, including: mid-rise commercial office buildings, condominiums and apartment buildings, restaurants, and commercial parking lots.

During the period when Unocal was excavating the contaminated soil from the Upper and Lower Yard, several residents in the vicinity of the site complained of odors emanating from the property. Their concern at the time was resolved by the installation of air conditioners in their residential units. There have not been any other complaints filed due to site conditions or a perceived threat of injury to human health or the environment.

Since it became public that the Seattle Art Museum was interested in the site as a future sculpture park, there have been a number of news stories on the proposed redevelopment of the property. No concerns over the environmental conditions of the site have been raised as the result of the community's increasing awareness of the Museum plan.

In addition, SAM has held briefings and events with the residents and owners of a majority of the adjacent properties, public agency officials, and community organizations. No concerns have been raised as a result of these meetings.

4.0 PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITIES

The purpose of this Public Participation Plan is to promote public understanding and participation in the Model Toxics Control Act (MTCA) cleanup planned for this Site. This section of the Plan addresses how Ecology will share information and receive public comments and community input on the Site cleanup. Ecology, working with SAM, retains lead responsibility for these activities.

4.1 Public Involvement Tools

Ecology uses a variety of tools that are aimed at facilitating public participation in the planning and cleanup of a MTCA site. The following is a list of these tools, their purpose and when and how they will be used during this Site cleanup.

Formal Public Comment Period

Comment periods are the primary way Ecology gets feedback from the public on proposed cleanup decisions. Comment periods usually last 30 days and are required at key points during the cleanup process before final decisions are made. During a comment period, the public can comment in writing, or if ten or more people request one, a public hearing will be held at which oral comments will be taken.

For the former Unocal Seattle Bulk Marketing Terminal site, a 30-day comment period will be held from October 8, 1999 to November 6, 1999. During this time, the community will have the opportunity to comment on the proposed Consent Decree, Cleanup Action Plan, and this Public Participation Plan.

Public Meetings and Hearings

If ten or more people request one, a public hearing will be held.

Responsiveness Summaries

After every public comment period, Ecology reviews and responds to all comments received, both oral and written, in a responsiveness summary. Ecology considers changes or revisions based on the input from the public. If significant changes are recommended, then a second comment period is held. If no significant changes are recommended, then the Prospective Purchaser Consent Decree is considered final and is recorded in the Washington State Superior Court. A copy of the responsiveness summary is sent to all people who submitted comments, and it is also made available at the Information Repositories listed below with the other pertinent site documents.

Information Repositories

Information repositories are convenient places where you may read and review site information. The information repositories are often at libraries or community sites where the public has access. During the comment period, the site documents will be available for review at each repository. Documents remain at the repositories for the entire duration of the cleanup. Ecology's Central Files can make copies of documents for a fee.

For this site, drafts of the Prospective Purchaser Consent Decree, the Cleanup Action Plan, Supplemental Focused Site Characterization Report, Focused Feasibility Report, and this Public Participation Plan will be available at the following repositories for public review:

- ◆ Seattle Public Library, Downtown Branch, Government Documents, 2nd Floor, 1000 4th Ave., Seattle
- ◆ Department of Ecology, Northwest Regional Office, 3190 160th Ave. SE, Bellevue, (425) 649-7190
- ◆ Seattle Art Museum, Library, 5th Floor, 100 University St., Seattle
- ◆ Ecology's website: www.wa.gov/ecology/tcp/cleanup.html (*Summary of Cleanup Action Plan*)

Site Register

One of the communication tools of Ecology's Toxics Cleanup Program is the Site Register. All public meetings and comment periods as well as many other activities are published in this bimonthly report. The public comment period for this site will be announced in the Site Register. To receive the Site Register, contact Sherrie Minnick at (360) 407-7200 or email [smin461@ecy.wa.gov].

Mailing List

Ecology has compiled a mailing list for the site. The list includes all residences and businesses adjacent to the site, individuals, groups, public agencies, elected officials, and private businesses and industries that request site-related mailings, as well as other known interested parties. The list will be maintained at Ecology's Northwest Regional Office and will be updated as needed.

Fact Sheets

Fact sheets are site-specific newsletter-like publications that are mailed to interested persons, business and government agencies in and around affected communities. The fact sheet is used to inform them of comment periods and important site activities. Fact sheets are also used to informally update the community on the progress of the site cleanup.

For this site, a fact sheet has been prepared and will be mailed to announce the formal comment period and availability of site documents to be reviewed.

Display Ads

Display advertisements are placed in the newspaper of largest circulation and local community newspapers to announce the comment period and, if applicable, the public hearing. Display ads are preferred as they are easier to find and easier to understand compared to legal notices.

The display ad to announce the comment period for this site will be placed in The Seattle Times.

4.2 Plan Updates

This Public Participation Plan may be updated as the project proceeds. If an update is necessary then the revised plan will be submitted to the public for comment.

4.3 Public Points Of Contact

Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Nnamdi Madakor
Site Manager
(425) 649-7112
nmad461@ecy.wa.gov

Christine Corrigan
Public Involvement
(425) 649-7254
csun461@ecy.wa.gov

Seattle Art Museum
Chris Rodgers
100 University Street
Seattle, WA
(206) 654-3221
chrisr@seattleartmuseum.org